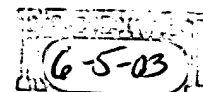


Official



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Attorney Docket No. 77682-182

#6
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6-12-03

In re application of MICHAEL C.G. LEE, ET AL

Serial No.: 09/218,411

Filed : December 22, 1998

For : METHOD AND APPARATUS FOR DIGITAL
CELLULAR INTERNET VOICE COMMUNICATIONS) Art Unit: 2662
)
) Examiner: Hanh N. Nguyen
)
)
)

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated March 7, 2003 Applicant makes the following submissions.

REMARKS

The Examiner has rejected claims 1, 5, 6, 7, 11, 12, 13, 17, 18, 19, 20, and 21 under 35 U.S.C. 103(a) as being unpatentable over Lubin *et al.* (United States Patent No. 6,434,395 B1) in view of Jennings *et al.* (United States Patent No. 6,430,174 B1).

Lubin discloses a radio telephone handset which includes the capability of operating as a data transfer terminal as well as an analog cellular subscriber station. The handset of Lubin is disclosed as having two distinct modes of operation, namely, an analog cellular communication mode, and a Cellular Digital Packet Data (CDPD) mode. These two modes are described as separate and distinct at numerous passages: "The aforementioned objects are carried out by a portable radio telephone handset of the present invention, including means for communicating in an analog cellular mode, means for communicating in a Cellular Digital Packet Data (CDPD) mode and means for selecting between the two modes" (column 4 lines 13-18); "discriminating